



California Regional Water Quality Control Board

Central Coast Region

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Environmental
Protection*

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Gray Davis
Governor

Minor Administrative Civil Liability (ACL) Procedures

The Central Coast Regional Board has instructed staff to actively pursue enforcement action against Responsible Parties not submitting reports in a timely manner. A "Failed to Submit" letter will be sent when a required technical or monitoring report is 10 days overdue. If the Board still does not get the report within 21 days from the original due date, a "Notice of Violation" letter will be sent to the Responsible Party. If the Board still does not receive the report within approximately 56 days of the original due date, staff will prepare a complaint and the responsible party will be immediately subject to administrative civil liability (monetary penalty).

Regional Board staff does not have the discretion to arbitrarily change due dates. The Failed to Submit and Notice of Violation are "automatic" when a report is late. A penalty for late monitoring reports could typically be in the range of several hundred dollars or more, assuming the reports were submitted (albeit late) and a threat to water quality did not occur as a result of the late reports. However, the maximum monetary penalties for late reports are up to \$1000 per day of violation. Keep in mind, the Board imposes a penalty for a late report, the report is still required. The penalty is only for the fact a report is late. If an ACL is prompted after an ACL has already been issued for a previous late report, the amount should be at least \$1500. A third violation prompting an ACL should be at least \$5000.

A party is considered in chronic violation when any part of the above process occurs three times (i.e., three Failed to Submits). When a fourth due date is missed, the responsible party has attained "Chronic Violation" status, and the administrative civil liability process is started. Chronic violations are considered more significant than failing to submit a single report, hence the responsible party may expect a penalty much higher than the several hundred dollars cited above for a first ACL. The amount will depend on the circumstances of the violation, which is up to \$1000 per day for each day the report is late.

If you have any questions, please call Jay Cano, Chief of the Underground Tank Unit, at (805) 549-3699.

California Environmental Protection Agency



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